

Benefits Available Through Workers' Compensation

Workers' Compensation is a system, created by the New Jersey Legislature, which provides benefits to workers who are injured or who contract an occupational disease while working. The benefits include medical care, temporary disability payments and compensation for a resulting permanent disability. In the event of the death of an injured worker, benefits are payable to the family of the worker. Benefits may be paid voluntarily or it may be necessary to apply to the Workers' Compensation Courts for relief.

Who is covered?

Virtually every worker who performs services for wages is covered by the law, regardless of the number of workers employed by the employer.

Under New Jersey law, domestic and farm workers are covered.

Workers considered to be independent contractors, rather than employees, are not covered.

Seamen, maritime workers, railroad workers and federal employees are covered under federal workers' compensation law.

What must a worker do if injured?

The worker should notify the employer of the accident as soon as possible, but not later than 90 days from the date of the accident. The notice may be given to the foreman, supervisor, personnel office, or anyone in authority at the employer's place of business. Notice need not be in writing.

The worker should also request that medical treatment be furnished.

Who pays benefits?

Benefits are paid by the employer or the employer's workers' compensation insurance carrier.

What if an employer refuses to provide medical services and/or temporary disability benefits?

The injured worker should seek the services of an attorney who will file a formal claim petition and a motion for medical and temporary benefits with the Division of Workers' Compensation. Attorneys are prohibited by law from charging a fee in advance for such services. Fees will be fixed by the court only if a compensation award is made.

Important: There is a two-year statute of limitations. A formal Claim Petition must be filed within two years of the date of the injury or the last payment of compensation, whichever is later. Medical treatment authorized by the employer is considered a payment of compensation. In cases of occupational illness, such as asbestosis, lead poisoning or hearing loss, the Claim Petition must be filed within two years from the date the worker first became aware of the condition and its relationship to employment. The statute of limitations applies to minors also.

An injured worker may also file an application for an informal hearing before a Judge of Compensation. At the informal hearing a representative of the employer or the employer's insurance carrier is usually present. The suggestions made by the judge at an informal hearing are, however, not binding on either party. The filing of an application for an informal hearing does not stop the two-year statute of limitations from running.

Can an employer take action against a worker for filing a claim?

The Workers' Compensation Statute prohibits the employer from discharging or in any other manner discriminating against an employee because the employee has claimed or attempted to claim workers' compensation benefits, or because he has testified, or is about to testify in a workers' compensation case.

Does the Workers' Compensation Law give special consideration to minors?

Yes. If a minor, employed in violation of the Child Labor Law, suffers a disability because of a job-related injury or illness, benefits will be double the amount ordinarily awarded.

Medical Benefits

All necessary medical treatment and hospitalization services should be provided by the employer or the employer's insurance carrier.

The employer has the right to choose the treating physician. If the employer refuses to provide medical treatment, the injured worker is free to choose the treating physician. However, in the case of an emergency, an injured worker may obtain medical or hospital treatment without specific authorization from the employer, but the employer should be notified as soon as possible concerning the treatment being received.

Temporary Disability Benefits

If there is lost time which extends beyond seven consecutive days due to the injury, temporary disability benefits become payable starting with the first day lost. The benefit amount is 70 percent of gross weekly wages received at the time of the injury, up to a maximum established annually by the Commissioner of Labor. (Maximum weekly rates for the past eight years are shown on the reverse.)

Permanent Partial Benefits

When a job-related injury or illness results in a permanent partial disability, benefits are based upon a percentage of certain "scheduled" or "nonscheduled" losses. A "scheduled" loss is one involving arms, hands, fingers, legs, feet, toes, eyes, ears and teeth. A "non-scheduled" loss is one involving the back, heart, lungs, etc.

Permanent Total Benefits

When a job-related injury results in permanent total disability, the injured worker is entitled to payments for 450 weeks which will be continued thereafter for as long as the total disability exists. However, after the 450 weeks, these payments are subject to reduction for wages earned from employment.

Weekly payments for permanent total disability are 70 percent of the gross weekly wage at the time of the injury up to a maximum established annually by the Commissioner of Labor. (Maximum weekly rates for the past eight years are shown on the reverse.)

Permanent total disability is presumed when the worker has lost two major members or a combination of members of the body such as eyes, arms, hands, legs or feet. However, permanent total disability can result from other injuries or a combination of injuries that render the worker unemployable.

Death Benefits

When a job-related accident or illness results in the worker's death, benefits are payable to the dependents of the worker as defined by the law. The weekly benefit payments are based upon the number of dependents, but the maximum total benefit payable to all of the worker's dependents cannot exceed the maximum established annually by the Commissioner of Labor. (Maximum weekly rates for the past eight years are shown on the reverse.)

A surviving spouse and natural children who were a part of decedent's household at the time of death are conclusively presumed to be dependents.

A surviving spouse and natural children who were not a part of decedent's household at the time of death and all other alleged dependents (parents, grandparents, grandchildren, brothers, sisters, etc.) must prove actual dependency.

Children who are deemed to be dependents remain so until the age of 18 years or, if a full-time student, until the age of 23 years. If a child is physically or mentally disabled he/she may be eligible for further benefits.

The employer or its insurance carrier is responsible to pay up to \$3,500 in funeral expenses for a job-related death. These funds are payable to whomever is liable for the funeral bill, be it the estate or an individual.

District Office Directory

Atlantic City 1333 Atlantic Avenue, 3rd Flr. (609) 441-3160
Atlantic City, NJ 08401
(Atlantic and Cape May counties)

Bridgeton 40 East Broad Street (856) 453-3930
Suite 203
Bridgeton, NJ 08302-2880
(Camden and Salem counties)

Burlington 851 Old York Road (609) 386-3256
Burlington, NJ 08016
(Burlington county)

Camden 1 Port Center, 3rd Flr. (856) 614-2852
2 Riverside Drive
Camden, NJ 08103
(Camden and Gloucester counties)

Elizabeth 210 Commerce Place (908) 820-3062
Elizabeth, NJ 07201-2398
(Union county)

Freehold 1 East Main Street (732) 462-9321
Hall of Records Annex
Freehold, NJ 07728
(Monmouth county)

Hackensack 60 State Street (201) 996-8930
Hackensack, NJ 07601-5427
(Bergen county)

Jersey City 438 Summit Ave., 3rd Flr. (201) 217-7205
Jersey City, NJ 07306-0603
(Hudson county)

Lebanon Hunterdon Hills Plaza (908) 236-8026
1390 Rt. 22 W.
Lebanon, NJ 08833
(Hunterdon, Lower Warren, Somerset counties)

Mt. Arlington 100 Valley Rd., Suite 100 (973) 770-4480
Mt. Arlington, NJ 07856
(Morris, Sussex and Upper Warren counties)

Newark 124 Halsey Street (973) 648-2663
Newark, NJ 07101-0226
(Essex county)

New Brunswick 506 Jersey Avenue (732) 937-6333
New Brunswick, NJ 08901-3502
(Middlesex county)

Paterson 100 Hamilton Plaza (973) 977-4526
8th Floor
Clark Street
Paterson, NJ 07501
(Passaic county)

Toms River 954 Route 166 (732) 349-9592
Toms River, NJ 08753-7331
(Ocean county)

Trenton Station Plaza 4 (609) 292-2508
PO Box 958
Trenton, NJ 08625-0958
(Mercer county)

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www.dwc.dol.state.nj.us

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If you need this document in braille or large print, call (609) 292-3221. TTY users can contact this department through New Jersey Relay: 7-1-1.

This pamphlet is published for general information only and does not have the status of law or regulation. For specific wording of the law see the New Jersey Workers' Compensation Act (NJS/A 34:15-1 et seq.) or consult your attorney.

Benefits

Rate in effect on the date of accident or exposure/manifestation in cases of occupational disease.

Effective Date	Temporary & Permanent Total	Permanent Partial
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01/01/94	70% of wages to minimum of \$123	\$460 \$ 35
01/01/95	70% of wages to minimum of \$125	\$469 \$ 35
01/01/96	70% of wages to minimum of \$128	\$480 \$ 35
01/01/97	70% of wages to minimum of \$133	\$496 \$ 35
01/01/98	70% of wages to minimum of \$138	\$516 \$ 35
01/01/99	70% of wages to minimum of \$144	\$539 \$ 35
01/01/2000	70% of wages to minimum of \$151	\$568 \$ 35
01/01/2001	70% of wages to minimum of \$158	\$591 \$ 35

STATE OF NEW JERSEY
DEPARTMENT OF LABOR
DIVISION OF WORKERS' COMPENSATION
P.O. BOX 381
TRENTON, NEW JERSEY 08625-0381

Division of Workers' Compensation



WORKERS
TOGETHER
WE CAN
MAKE A
DIFFERENCE